

**EMERGENCY**

**IN THE COURT OF APPEALS OF THE STATE OF ALASKA**

STATE OF ALASKA,

Petitioner,

vs.

CARMEN PERZECCHINO JR.,

Respondent.

Court of Appeals No. A- 13143

Trial Court No. 3KN-19-00318 CR

VRA CERTIFICATION. I certify that this document and its attachments do not contain (1) the name of a victim of a sexual offense listed in AS 12.61.140 or (2) a residence or business address or telephone number of a victim or witness to any crime unless it is an address used to identify the place of the crime or it is an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.

**EMERGENCY MOTION TO ORDER TRIAL COURT NOT TO  
SWEAR IN A JURY UNTIL THE PETITION IS RESOLVED**

The State of Alaska seeks an emergency order restricting the trial court from swearing in a jury until the accompanying petition is resolved.

As explained in the accompanying petition for review and motion for emergency consideration, voir dire began in this case on Monday, October 12, 2020. The State asked Superior Court Judge Jennifer Wells to delay swearing in a jury until this Court resolves the petition for review, and Judge Wells declined.

Judge Wells granted the State's motion to allow the SANE, Debra Blizzard, to testify via videoconference due to her health condition and the current COVID-19 pandemic. If this ruling is erroneous, and videoconference testimony of a vital witness will violate Perzechino's right to confrontation, then this trial should be postponed. Jury trials

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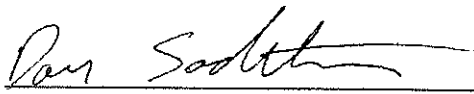
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have been shut down for months due to the pandemic. As jury trials start up again, courts should exercise caution. For the safety of trial participants who otherwise would be asked to stay home and engage in social distancing, and to reduce the potential for a costly and inconvenient retrial at a time when the justice system is facing a backlog of cases awaiting trial, this pandemic-related legal issue should be resolved before trial.

If this Court were to find that the decision to allow videoconference testimony was erroneous, that decision should be made before the jury is sworn and jeopardy attaches. This Court should permit the trial court to continue voir dire, but not to swear in a jury until this Court resolves the petition.

DATED October 12, 2020.

CLYDE "ED" SNIFFEN, JR.  
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